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**From:** Mylott, Richard  
**Sent:** Wed 12/2/2015 7:25:05 PM  
**Subject:** ACTION: Casper Star Tribune questions re: Pavillion-- based on FOIA material and recent interview with Bob Sussman  
[CommunicationStrategyPavillionFeb13draft.docx](#)

## Ex. 5 - Deliberative Process

Rich 303-312-6654

**From:** Benjamin Storrow [mailto:Benjamin.Storrow@Trib.Com]  
**Sent:** Wednesday, December 02, 2015 11:28 AM  
**To:** Mylott, Richard  
**Subject:** Pavillion

Hi Rich,

I'm working on a story about EPA's handoff of the Pavillion investigation to Wyoming. I've looked over some FOIA'd documents and spoken to some former staffers, including Bob Sussman. I'm looking for some agency comment. I've got an end of day Thursday deadline. Questions are below. Thanks, Ben

- 1. In speaking with Bob, two real important points emerged. Point one. The state and Encana were really attacking EPA. Bob said the feeling was that it was felt that continuing on a "collision course" with the company and Wyoming was not the way to address a local issue with national implications. EPA's thinking was it would be better for the state and Encana to "have skin in the game," which is part of the reason why it pursued the handoff to the state. Does EPA agree with that characterization? Why or why not?
- 2. Point two: The Pavillion issue is complicated technically and scientifically – and that's before you get to the science. The agency felt more study was needed, but had already sunk considerable resources into the study. "The well was running dry" was how Bob put it. Given all those complications, EPA decided to focus its resources elsewhere, he said. Does the agency agree with that characterization? Why or why not?
- 3. FOIA'd documents show EPA officials – Sussman, Howard Cantor, Jim Martin, among others - were in regular contact with Encana, primarily Lem Smith, about the study. The company was publically fighting to have the preliminary conclusions thrown out or the study redone. Did the company's lobbying, publically and privately, play any role in EPA's decision to hand off the study to the state?
- 4. DEQ had developed plans for a comprehensive groundwater study and presented its proposal to EPA. It was titled "Phase VI: Short-Term Investigation of Groundwater Quality in the Pavillion, WY Area." It notably called for the installation of groundwater monitoring wells. The ultimate agreement struck by EPA, the state and Wyoming notes that DEQ will conduct groundwater samples and may install monitoring wells if called for. Why did the agency not pursue a more robust agreement with Wyoming given the information about potentially dangerous contamination EPA already had?
- 5. Put differently, why did EPA not pursue, either on its own or through its agreement with the state, a full-court scientific press? If the agreement with the state is a full court press, please explain why.
- 6. Was there any internal division with the agency over whether EPA could legally defend the information in its preliminary report?
- 7. Does EPA feel the state has conducted a robust investigation into the source of Pavillion's contamination?